

DRAFT MINUTES*
SUNNYVALE CITY COUNCIL
October 18, 2005

The City Council of the City of Sunnyvale adjourned from a 4:30 p.m. Special Meeting – Closed Session – Conference with Labor Negotiators pursuant to Government Code 54957.6, Labor Negotiator: Peter Brown, Liebert Cassidy Whitmore; and Erwin Young, Director of Human Resources; Employee Organization: Service Employees International Union (SEIU) – Local 715 and Communications Officers Association (COA)

The City Council of the City of Sunnyvale also adjourned from a 6:30 p.m. Special Meeting – Closed Session – Conference with Legal Counsel – Existing Litigation – Pursuant to Government Code 54956.9(a); Petition of City of Sunnyvale (NPDES Permit Reissuance in Waste Discharge Requirements Order No. R2-2003-0079 [NPDES No. CA0037621]) San Francisco Bay Region – SWRCB/OCC Files A-1594 and A-1594(a).

The City Council of the City of Sunnyvale met in regular session in the City Council Chambers, 456 West Olive Avenue, Sunnyvale, California at 7:00 p.m., with Mayor Chu presiding.

SALUTE TO THE FLAG

Mayor Chu led the salute to the flag.

ROLL CALL

PRESENT:

Mayor Dean J. Chu
Councilmember Julia Miller
Councilmember John Howe
Councilmember Melinda Hamilton
Councilmember Otto Lee

ABSENT:

Vice Mayor Ron Swegles (excused)
Councilmember Fred Fowler (excused)

STAFF PRESENT:

Amy Chan, City Manager
Robert Walker, Assistant City Manager
David Kahn, City Attorney
Robert Paternoster, Director of Community Development
David Lewis, Director of Parks and Recreation
Trudi Ryan, Planning Officer
Elaine Wesely, Finance Manager
Mark Petersen, Golf Services Supervisor
Katherine Chappelle, City Clerk

CLOSED SESSION REPORT

Councilmember Howe reported that the City Council met in Closed Session earlier this evening on the following items:

At 4:30 p.m. a Special Meeting – Closed Session – was held regarding: Conference with Labor

Negotiators pursuant to Government Code 54957.6, Labor Negotiator: Peter Brown, Liebert Cassidy Whitmore; and Erwin Young, Director of Human Resources; Employee Organization: Service Employees International Union (SEIU) – Local 715 and Communications Officers Association (COA). He reported that direction was given by Council and that no action was taken.

At 6:30 p.m. a Special Meeting – Closed Session – was held regarding: Conference with Legal Counsel – Existing Litigation – Pursuant to Government Code 54956.9(a); Petition of City of Sunnyvale (NPDES Permit Reissuance in Waste Discharge Requirements Order No. R2-2003-0079 [NPDES No. CA0037621]) San Francisco Bay Region – SWRCB/OCC Files A-1594 and A-1594(a). He reported that direction was given by Council and that no action was taken.

PUBLIC ANNOUNCEMENTS

- Councilmember Hamilton announced that the 7th Annual Family Fun Night would be held on Wednesday, October 19, 2005 at the Columbia Neighborhood Center, 785 Morse Avenue, Sunnyvale, between 6:30 p.m. and 8:30 p.m.
- Councilmember Hamilton announced that the City of Sunnyvale is hosting a “Make A Difference Day” event on Saturday, October 22, 2005, at Baylands Park. She noted that activity will include removal of an obsolete, above-ground irrigation system from the wetlands, clearing brush from the burrowing owl mounds, and maintaining trails.
- Mayor Chu announced that he is the Honorary Co-Chair of the Sunnyvale School District Education Foundation’s Annual Fund Raiser to be held tomorrow evening, October 19, 2005 at 6:00 p.m. in the Del Monte Building. He invited everyone to attend the event.

CONSENT CALENDAR

Councilmember Howe requested that Item 1.E. be removed from the Consent Calendar.

Councilmember Miller moved and Councilmember Howe seconded to approve the Consent Calendar with the exception of Item 1.E.

Motion carried 5-2, with Vice Mayor Swegles and Councilmember Fowler absent.

1.A. Approved Minutes of the Regular City Council Meeting of October 4, 2005.

1.B. Approved Information/Action Items – Council Direction to Staff

Fiscal Items

1.C RTC 05-296 Council Reviewed the list of Claims and Bills approved for Payment by the City Manager (List Nos.267 and 268)

Contracts

1.D. RTC 05-294 Council awarded Bid No. F0508-11 for the Reconstruction of Curbs, Gutters, Sidewalks and Driveways throughout Sunnyvale.

- 1.E. RTC 05-293 Council awarded Bid No. F0507-03 for Five Police Patrol Cars
Councilmember Howe, noting that several of the bids were very close, asked if the City has a policy related to taking into consideration potential sales tax revenue that would be received when City vehicles are purchased from an automobile dealer located in Sunnyvale.

Elaine Wesely, Finance Manager, stated that the City's Purchasing Ordinance establishes a one-percent bidders' advantage for Sunnyvale suppliers and that such calculation was applied to the subject bids.

Mayor Chu opened the matter to public comment.

There being no one in the audience wishing to speak, Mayor Chu closed the matter to public comment.

Councilmember Howe moved and Councilmember Lee seconded that Council award a contract, in substantially the same form as the draft Purchase Order accompanying the staff report, in the amount of \$118,534, including sales tax, delivery to the Corporation Yard, and inclusion of a 75,000-mile/36-month extended warranty for five police patrol cars.

Mayor Chu stated that he would like to sponsor a Study Issue related to reevaluation of the one-percent incentive for Sunnyvale merchants supplying materials to the City.

Motion carried 5-2, with Vice Mayor Swegles and Councilmember Fowler absent.

- 1.F. RTC 05-295 Council awarded Bid No. F0509-16 for Roof and Exterior Siding Replacement at the Fair Oaks Industrial Complex and Approved Budget Modification No. 7

Personnel

- 1.G. RESOLUTION
RTC 05-303 Council adopted a Resolution entitled, "A Resolution of the City Council of the City of Sunnyvale Amending the Classification Plan of the Civil Service by Adding the New Job Classification of Part-Time Employment Training Program Coordinator; and by Adding the Classification Specifications Therefor"

Council adopted a Resolution entitled, "A Resolution of the City Council of the City of Sunnyvale Amending Resolution No. 131-04, the City's Salary Resolution, by Amending the Pay Schedule for Pay Plan Category L (Regular Part-Time Classified Employees)"

- 1.H. RESOLUTION
RTC 05-304 Council adopted a Resolution entitled, "A Resolution of the City Council of the City of Sunnyvale Amending the Classification Plan of the Civil Service by Revising the Job Specifications for Human Resources Manager for the Department of Human Resources" and approved Budget Modification No. 9.

Other Items

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| 1.I | ORDINANCE
NO. 2793-05 | Council adopted Ordinance No. 2793-05 entitled, "An Ordinance of the City Council of the City of Sunnyvale Amending Portions of Chapter 19.12 and Chapter 19.38 of the Sunnyvale Municipal Code Related to Zoning Definitions and Community Rooms/Club Houses In Multiple-Family Residential Developments" |
| 1.J | RTC 05-299 | Council appointed Mayor Dean Chu to be the City of Sunnyvale's delegate to attend the Second Annual Taipei International Healthy Cities Conference and Exhibition 2005 to be held on October 29-31, 2005 at the Taipei International Convention Center, with Mayor Chu's airfare and lodging expenses to be paid for by the host agency. |

STAFF RESPONSES TO PRIOR PUBLIC COMMENTS

City Manager Chan, responding to a question posed by a resident related to the Best Buy/PetSmart development, stated that both the rear door and the 20-foot walkway are required by the Building Code.

Regarding the status of fluoridation of water in Sunnyvale, City Manager Chan stated that the Council addressed this issue in May 2005 and opted to have only that portion of water supplied by the San Francisco Public Utilities Commission system fluoridated. She noted that the initial cost to fluoridate all water used in Sunnyvale would be \$1,800,000 with an annual operating cost of \$80,000 to \$100,000.

PUBLIC COMMENTS

Kevin Chiang, representing the American Chinese Evangelical Seminary, stated that a conversion issue for their property located at 848 Stewart Drive is going through the approval process at this time. He stated that the recently approved moratorium on conversions will affect this project and asked if there is a remedy for the proposed project not to be affected by the moratorium.

Mayor Chu asked if Mr. Chiang has information in addition to what will be provided by staff at the next meeting.

Mr. Chiang indicated that he has such information.

Discussion was held related to when the additional information would have to be provided; it was determined that Mr. Chiang would have to provide this information to the planning staff by 5:00 p.m. tomorrow, Wednesday, October 19, 2005, in order for it to be forwarded to Council prior to the October 25, 2005 meeting.

PUBLIC HEARINGS/GENERAL BUSINESS

2. RTC 05-302 Appeal of a Decision by the Planning Commission to deny a Use Permit at 965 East Arques Avenue to allow church, school, and office uses within an existing industrial building

Mayor Chu announced that staff has recommended that this item be continued to the regularly scheduled Council meeting of November 22, 2005.

Councilmember Hamilton moved and Councilmember Lee seconded that consideration of an appeal of a decision by the Planning Commission to deny a Use Permit at 965 East Arques Avenue to allow church, school, and office uses within an existing industrial building, be continued to the regularly scheduled Council meeting of November 22, 2005.

Mayor Chu opened the public hearing at 7:30 p.m.

No one in the audience wished to speak and Mayor Chu closed the public hearing at 7:31 p.m.

Motion carried 5-2, with Vice Mayor Swegles and Councilmember Fowler absent.

3. RTC 05-284 Consider Revisions to Council Policy Governing the Naming/Renaming of Parks and Recreation Facilities – Study Issue

David Lewis, Director of Parks and Recreation, introduced Mark Petersen, Golf Services Supervisor, who presented the staff report

At 7:34 p.m., Mayor Chu opened the public hearing.

J. Scott Erwin stated that the current policy lacks the standards by which a person would be honored; he stated that he has developed a set of measures he would like to have considered. He stated he does not support the policy that parks and recreation facilities could only be named after persons who are deceased.

Mayor Chu asked if Mr. Erwin would like to relay to the Council the standards he is proposing.

Mr. Erwin responded that the following is his proposed criterion for naming a park or recreation facility after a person:

- Individuals can be living or deceased
- No sitting elected official or employee of the City of Sunnyvale can be considered
- Individuals responsible for a single incident or act of monumental or heroic action that benefits the public and/or individuals who possess exceptional attributes such as sustained excellence of service, embodying exemplary qualities and skills that serve as models to others, setting a standard of accomplishment not easily achieved, yet attainable by all and immediately recognized by everyone, having the hallmark ability to inspire and motivate others, being recognized and widely respected by the public, contributing to the community in a variety of ways in addition to the specific field of endeavor in which they are being recognized; acknowledgement of achievement by his or her peers; possessing sound moral character; and longevity and/or continuity of service to the community.

Discussion was held related to other cities' policies as to whether they name public facilities after persons living or deceased. The survey conducted by staff focused on the waiting period that had to lapse after a person was deceased before they could be considered for such an honor.

Robert Locke, representing the Parks and Recreation Commission, stated that the Commission had considerable discussion related to "significant contribution" and decided that the scope of this particular study issue related more specifically to the 5-year waiting period. He stated that the Commission favored eliminating the waiting period and noted that the policy recommends that a park not be named for a living person, but does not exclude that possibility.

Jack Rowe stated that he thinks such honors should be more historically or geographically oriented rather than by deeds.

No one in the audience wished to speak and Mayor Chu closed the public hearing at 7:45 p.m.

Councilmember Hamilton asked if we know how many such facilities are named after persons in surrounding cities.

Supervisor Petersen stated that that information was not included in the survey.

Discussion was held regarding how long it takes to process the naming of a public facility. Staff suggested it would be approximately seven months.

Moved by Councilmember Howe and seconded by Councilmember Lee that Council Policy 7.3.10, Section 3 be amended to read, "Naming a park for a specific individual will only be considered if that individual has made a significant contribution to the City of Sunnyvale. It is recommended that a park not be named for a living person. If named for a deceased person, that individual must be deceased for at least one year"

Mayor Chu offered a friendly amendment that normally a park or recreation facility shall be named after a deceased person but that, in extraordinary circumstances such an honor could be bestowed on a living person. He suggested that Policy 7.3.10, Section 3 be amended to read, "Naming a park for a specific individual will only be considered if that individual has made a significant contribution to the City of Sunnyvale. Names honoring individuals or families of living persons must be supported by compelling reasons. *If named for a deceased person, there will be no waiting period.*

The friendly amendment was accepted by the maker and second of the motion.

Motion carried 5-2, with Vice Mayor Swegles and Councilmember Fowler absent.

Councilmember Lee noted that the City also has a policy by which people can make monetary donations to the City in memory of deceased persons.

4. RTC 05-301 Application on a 9,460-Square-Foot Site Located at 778 Cascade Drive in an R-1 (Low Density Residential Zone) for Mills Act Contract for a City of Sunnyvale Local Landmark Property (Collins-Scott Winery)

Trudi Ryan, Planning Office, presented the staff report, noting that the address of the subject property is 775 Cascade Drive, rather than 778 Cascade Drive as indicated on the agenda.

At 8:00 p.m., Mayor Chu opened the public hearing.

Russell Schaadt, owner of the subject property, offered to answer any questions the Council may have regarding his application. He outlined some of the improvements he intends to make on the property.

No one else in the audience wished to speak and Mayor Chu closed the public hearing at 8:02 p.m.

Moved by Councilmember Miller and seconded by Councilmember Hamilton to approve the request for Mills Act Contract related to the property located at 775 Cascade Drive, which results in reduced property tax in exchange for maintaining the property's historic character.

Motion carried 5-2, with Vice Mayor Swegles and Councilmember Fowler absent.

5. RTC 05-287 Legislative Action Position on AB 438 Related to Housing for Registered Sex Offenders

Bob Paternoster, Director of Community Development, presented the staff report.

Regarding the responsibility for verification of addresses of sex offenders to keep the Web site updated, Councilmember Howe asked for clarification of how that is currently accomplished.

City Attorney David Kahn responded that it is now the responsibility of the sex offenders to advise authorities of where they live; there is no verification of the accuracy of that information at this time.

Councilmember Hamilton noted that, if the local agencies were given the responsibility of verifying the addresses of sex offenders, additional Public Safety staff would probably be required. She asked if these additional costs would be subject to reimbursement by the State of California.

Director Paternoster replied that the current form of AB438 provides for State reimbursement.

At 8:09 p.m., Mayor Chu opened the public hearing.

No one else in the audience wished to speak and Mayor Chu closed the public hearing at 8:10 p.m.

Councilmember Howe moved and Councilmember Miller seconded that Council adopt Alternative No. 2, in support of AB438.

Councilmember Miller offered a friendly amendment that Council is in support of AB438 contingent upon any additional costs incurred by the City of Sunnyvale being reimbursed by the State of California.

The maker of the motion accepted the friendly amendment.

Councilmember Hamilton stated that she would be abstaining from voting on the motion, not because she does not support the general concept of AB438, but because she does not feel that she has enough information on potential ramifications of the proposed legislation.

Mayor Chu stated that he is in favor of the general concept of AB438, but noted that since it is not known at this time what the final version of the bill will be, we will have to watch it as it progresses through the legislative process.

Motion carried 4-1-2, with Councilmember Hamilton abstaining, and Vice Mayor Swegles and Councilmember Fowler absent.

NON-AGENDA ITEMS & COMMENTS

COUNCIL: Councilmember Miller noted that Spare the Air season is over and that the air quality in Sunnyvale is very good.

Mayor Chu announced that the regularly scheduled Council meeting of November 15, 2005 has been cancelled.

Councilmember Howe asked that this evening's meeting be adjourned in memory of Mary King Brooks who passed away on October 6, 2005 at the age of 87. Mrs. Brooks was the mother of Harriet Rowe, long-term resident of Sunnyvale.

STAFF: No comments

INFORMATION ONLY ITEMS – Received and Filed

- Tentative Council Meeting Agenda Calendar
- RTC 05-298 – Resident Satisfaction Survey: Results and Key Findings
- RTC 05-300 – City of Sunnyvale Lot Coverage Study Issue –
- Unapproved Minutes of the Heritage Preservation Commission Meeting of 10/5/05
- Unapproved Minutes of the Parks and Recreation Commission Meeting of 9/14/05
- Unapproved Minutes of the Parks and Recreation Commission Meeting of 9/20/05
- Unapproved Minutes of the Arts Commission Meeting of 9/21/05

ADJOURNMENT

After a moment of silence, Mayor Chu adjourned the meeting in memory of Mary King Brooks at 8:20 p.m.

Respectfully submitted for approval,

Katherine Bradshaw Chapple
City Clerk